

IN THE DRAWINGS

A replacement sheet for Figures 6, 15, 17, and 18 are submitted herewith.

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

The Applicants thank the Examiner for the interview conducted on May 17, 2007. During the Interview, the present invention, the cited art, and possible amendments to the claims were discussed. The Applicants note that the claims have been amended as discussed during the Interview and submit that the claims currently pending distinguish the cited art.

By the foregoing amendment, claim 1 has amended and claims 2-24 have been added. Thus, claims 1-24 are currently pending in the application and subject to examination.

I. Drawings

In the Office Action mailed January 30, 2007, Figures 6 and 15 drawings were objected to because the specification lists reference numbers not listed in the drawings. Corrected drawing sheets for Figures 6, 15, 17, and 18 are submitted herewith. If any additional amendment is necessary to overcome this objection, the Examiner is requested to contact the Applicant's undersigned representative.

II. Claim Objections

Claim 1 is objected to for informalities. Claim 1 has been amended responsive to this objection. If any additional amendment is necessary to overcome this objection, the Examiner is requested to contact the Applicant's undersigned representative.

III. 35 U.S.C. § 101

Claim 1 is rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Applicants note that claim 1 has been amended responsive to this rejection. If any additional amendment is necessary to overcome this rejection, the Examiner is requested to contact the Applicant's undersigned representative.

IV. Double Patenting & 35 U.S.C. § 102

Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over U.S. Patent No. 7,016,956 to Dobbins et al. ("Dobbins"). Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Dobbins. It is noted that claim 1 has been amended. To the extent that the rejections remain applicable to the claims currently pending, the Applicants hereby traverse the rejections, as follows.

The Applicants submit that Dobbins does not disclose or suggest a method of according preferred transport to a content, the method including at least the combination of identifying a content aware node, the node being contained in the transmission path of the content; identifying the content for transmission; and determining transport parameters based on the identified node and the identified content, as recited in amended claim 1.

For at least this combination of reasons, the Applicants submit that amended claim 1 is allowable over the cited art. For similar reasons, the Applicants submit that claim 19 is likewise allowable. As claims 1 and 19 are allowable, the Applicants submit that claims 2-18 and 20-24, which depend from allowable claims 1 and 19, are therefore also allowable.

CONCLUSION

For all of the above reasons, it is respectfully submitted that the claims now pending patentability distinguish the present invention from the cited references. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into condition for allowance, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300 with reference to Attorney Docket No. 026215-00004.

Respectfully submitted,

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